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11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA

13 UNITED STATES OF AMERICA,)
14 Plaintiff,) No. CV 09-6071 JSW
15 v.) CONSENT ORDER OF SETTLEMENT
16 \$115,959.00 in United States Currency; and) AS MODIFIED HEREIN
17 \$14,509.00 in United States Currency.)
18 Defendants.)
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21 **CONSENT ORDER OF SETTLEMENT AND FORFEITURE**

22 WHEREAS, on December 30, 2009, this action was filed. Notice was given and
23 published in accordance with law. Claimant ANNIE DUONG (“claimant”) filed a verified claim
24 on January 20, 2010 as to the defendants \$115,959.00 in United States Currency and \$14,509.00
25 in United States Currency (hereinafter known as “defendant currency”). No other statements of
26 interest or answers have been filed with respect to defendant currency and the time for filing
27 such statements of interest and answers has expired;

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1 WHEREAS, pursuant to the settlement negotiations among the parties, ANNIE DUONG
2 agrees to withdraw her claim with respect to \$105,468.00 of the seized \$115,959.00 in United
3 States Currency in any administrative or judicial forfeiture proceeding;

4 WHEREAS, pursuant to the settlement negotiations among the parties, the United States
5 agrees to release to ANNIE DUONG c/o Stuart Hanlon, her attorney of record, the sum of
6 \$14,509.00 in United States Currency plus accrued interest, and \$10,491.00 of the seized
7 \$115,959.00 in United States Currency plus accrued interest, less any debt owed to the United
8 States, any agency of the United States, or any other debt in which the United States is
9 authorized to collect.

10 WHEREAS, the parties agree that the United States and ANNIE DUONG will each bear
11 its own attorney costs and fees related to this matter.

12 AND WHEREAS, it appearing to the court from the endorsement of the parties, that the
13 parties have agreed to a resolution of this matter with respect to the defendant currency, and
14 deeming it proper to do so;

15 NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:

16 1. Notice of this action having been given by publication and there being only the claim
17 filed by ANNIE DUONG as to the defendant currency, the default of all persons or entities other
18 than ANNIE DUONG as to the defendant currency is entered.

19 2. A portion of the defendant \$115,959.00 in United States Currency, to wit \$105,468.00
20 is forfeited to the United States pursuant to 21 U.S.C. § 881(a)(6), free from the claims of any
21 other party.

22 3. A portion of the defendant \$115,959.00 in United States Currency, to wit the sum of
23 \$10,491.00 plus accrued interest, less any debt owed to the United States, any agency of the
24 United States, or any other debt in which the United States is authorized to collect, shall be
25 returned by the United States to ANNIE DUONG c/o Stuart Hanlon, her attorney of record.

26 4. The sum of \$14,509.00 in United States Currency plus accrued interest, less any debt
27 owed to the United States, any agency of the United States, or any other debt in which the United
28 States is authorized to collect, shall be returned by the United States to ANNIE DUONG c/o

CONSENT ORDER OF SETTLEMENT

No. CV 09-6071 JSW

1 Stuart Hanlon, her attorney of record.

2 5. The United States shall dispose of the forfeited currency in accordance with the law.

3 6. ANNIE DUONG hereby releases the United States of America, its agencies, agents,
4 and officers, including employees and agents of the Immigration and Customs Enforcement,
5 California Bureau of Narcotics Enforcement, and Oakland Police Department from any and all
6 claims, actions or liabilities arising out of or related to this action, including, without limitation,
7 any claim for attorney's fees, costs or interest which may be asserted on behalf of the claimant,
8 whether pursuant to 28 U.S.C. § 2465 or otherwise.

9 7. The United States releases ANNIE DUONG from any claims or actions, including that
10 for attorney fees or costs or interest, concerning the seizure and custody of the defendant
11 currency.

12 8. The parties agree that this Consent Order of Settlement is the result of a compromise,
13 and shall not, by any person, at any time or for any purpose be considered an admission of
14 liability or responsibility, or of the truth of any allegation of any party, at any time, for any
15 purpose, in any form or in any amount.

16 9. The parties to this action shall execute any documents necessary or proper to effectuate
17 the terms of this Order.

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This Order also acknowledges that Federal law requires the Department of the Treasury and other disbursing officials to offset Federal payments to collect delinquent tax and non-tax debts owed to the United States, and to individual states. If an offset is made to the payment to be made pursuant to this Order of the Court, Claimant will receive a notification from the Department of the Treasury at the last address provided by Claimant to the governmental agency or entity to whom the offset payment is made. The terms of the settlement specifically do not affect the tax obligations fines, penalties, or any other monetary obligations the Claimant owes to the United States or an individual state, and in fact, are intended to satisfy such a tax obligation. Therefore, the exact sum delivered to Counsel, on behalf of his clients, may well be a lesser sum, if the Treasury Offset Program reduces the amount in satisfaction of a debt obligation.

**IF THIS SETTLEMENT RESOLVES THIS MATTER, THE GOVERNMENT
SHALL SUBMIT A PROPOSED ORDER TO THAT EFFECT.**

**HONORABLE JEFFREY S. WHITE
UNITED STATES DISTRICT COURT JUDGE**

Dated: 1-3, 2012

MELINDA HAAG
United States Attorney

ARVON J. PERINET
Assistant United States Attorney
Attorneys for Plaintiff

Dated: 1-3, 2012

~~STUART HANLON
Attorney for Claimant
Annie Duong~~

Dated: 1/3, 2012

**ANNIE DUONG,
Claimant**

CONSENT ORDER OF SETTLEMENT

No. CV 09-6071 JSW